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|  | Montana Mental Health Nursing Care Center Policy Manual | Policy Number | 1124 |
| | | Original Date | 10/24/2011 |
| | | Revised Date | 07/09/2015 |
| | Department: Social Services | | Accommodating Patients' Special Education Needs |

POLICY:

Montana Mental Health Nursing Care Center will accommodate the special education needs of patients eligible for Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act. Where special education services are not provided by the patient's school district of residence, Montana Mental Health Nursing Care Center will contract for such services from qualified providers, or coordinate appropriate services with the resident's school district of residence, the local high school district, or both, as provided by 20-7-411, MCA.

MMHNCC will offer special education services, including assessment, evaluation, and if qualified, Free Appropriate Public Education (FAPE) services to any resident.

- Who is under 19 years of age by September 10th of the current school year,
- Who has not received a diploma from an accredited educational program recognized by the Montana Office of Public Instruction; and
- Who consents in writing, either individually or through a guardian, to special education assessment, evaluation and if qualified, FAPR services.

MMHNCC will offer special education services to qualified residents through the end of the school year in which the resident reaches the age of 19, or until discharged from MMHNCC, whichever comes first.

PROCEDURE:

1. Upon admission of a patient who has not reached the age of 20, the assigned social worker will inquire as to the educational status of the patient.
2. If the patient meets the requirements of this policy as stated above, the social worker will obtain written consent for special education services and written consent for special education records. Written consent must be signed by the patient if over 18, or if the patient has a guardian, by the guardian.
3. When written consent has been obtained, the assigned social worker will contact the patient's school district of residence to obtain current special education records, if any, and arrange further services by coordinating appropriate services with the resident's school district of residence, the local high school district, or both, or by contracting qualified providers.

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4. Services may include assessment, evaluation and, if qualified for FAPE, instructional and related services.
5. FAPE services must be documented in an Individualized Education Program which is coordinated with patient's MMHNCC Care Plan. The IEP must be designed so that it does not interfere with the patient's ability to participate in necessary mental health or medical treatment as determined by the MMHNCC Care Plan.
6. The assigned social worker will negotiate arrangements for the delivery of special education services by qualified providers or the appropriate school district on a case-by-case basis to meet the needs of each patient. The assigned social worker will consult with the Office of Public Instruction for guidance.
7. When Special Education services are provided to a MMHNCC patient by a school district or other qualified provider, MMHNCC will not assume the responsibilities of a Local Educational Agency (LEA) for compliance with state and federal Special Education laws in the delivery of services. Any such arrangements will ensure that the school district or qualified provider assumes full responsibility for compliance with state and federal law.

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